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APR 28 2004

In re Application of  
Wolfgang Krahl  
Application No. 10/660,372  
Filed: September 11, 2003  
Atty's Docket No. 22580

OFFICE OF PETITIONS

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.182, filed April 6, 2004 in response to the Notice To File Missing Parts mailed December 5, 2003 and the petitions decision mailed March 31, 2004.

The application was filed September 11, 2003. However, on December 5, 2003, the Office of Initial Patent Examination mailed a Notice To File Missing Parts noting that the filing fee and oath or declaration were missing. Receipt of the filing fees and the oath or declaration were submitted January 22, 2004 but, the Notice also indicated that while the application had been accorded a filing date of September 11, 2003, Figures 7-11 described in the specification appeared to have been omitted. Petitioners filed a petition on January 22, 2004 but neither asserted that the missing figures were deposited on September 11, 2003 nor requested the January 22, 2004 (the date the missing page was supplied) filing date. The petition was dismissed in a decision mailed March 31, 2004.

Petitioner asserts that the papers containing Figure 7-11 were among the papers filed on September 11, 2003, and with the renewed petition, submits, *inter alia*, a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, *inter alia*, the number of drawing sheets to be 2 and bears a United States Patent and Trademark Office date-stamp of September 11, 2003. Further, the postcard receipt lacks any notation of non-receipt of any item listed.

In view of the foregoing, the petition is **Granted**. The "Notice" was improperly mailed and is withdrawn.

Given the basis for granting the petition, no petition fee is due and none has been charged.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on September 11, 2003 and the two sheets of drawings containing Figures 7-11 submitted on petition April 6, 2004.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

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